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UTILITY PATENT APPLICATION TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

03190.000100.

First Named Inventor or Application Identifier

Express Mail Label No.

EL 566242519US

U.S. PTO
10/766504

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.

3. ☒ Specification Total Pages 37

4. ☒ Drawing(s) (35 USC 113) Total Sheets 19

5. ☐ Oath or Declaration Total Pages

a. ☐ Newly executed (original or copy)

b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer
Program (*Appendix*)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ paper

c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations

13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☐ Other: _____

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)
Date of Deposit JANUARY 27, 2004
I hereby certify that this paper or fee is being deposited
with the United States Postal Service "Express Mail
Post Office to Addressee" service under 37 CFR 1.10
on the date indicated above and is addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FRANCISCO MERCADO

(Typed or printed name of person mailing paper or fee)

Francisco Mercado
(Signature of person mailing paper or fee)

Prior application information:

Examiner: _____

of prior application No. 10 / 114,675 filed April 2, 2002,
which was a continuation of U.S. Patent Appln. No.
09/484,354, filed January 18, 2000 (now U.S. Patent No.
6,371,988, issued April 16, 2002), which was a division of
U.S. Patent Appln. No. 08/740,031, filed October 23, 1996,
now abandoned. This application is also a CIP of U.S.
Patent Appln. No. 09/448,086, filed November 23, 1999,
which was a continuation of U.S. Patent Appln. No.
08/948,135, filed October 9, 1997 (now U.S. Patent No.
5,989,289, issued November 23, 1999), which was a
continuation of U.S. Patent Appln. No. 08/902,937, filed
July 30, 1997, now abandoned.

Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS					
<input checked="checked" type="checkbox"/> Customer Number or Bar Code Label	<div style="text-align: center;">05514</div> (Insert Customer No. or Attach bar code label here)			or	<input type="checkbox"/> Correspondence address below
NAME					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	102 -20 =	82	X \$ 18.00 =	\$ 1,476.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	20 -3 =	17	X \$ 86.00 =	\$ 1,462.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$290.00 =	\$ 290.00
				BASIC FEE (37 CFR 1.16(a))	\$ 770.00
Total of above Calculations =					\$ 3,998.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).					
TOTAL =					\$ 3,998.00

19. Small entity status

- a. ☐ A small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

20. ☒ A check in the amount of \$ 3,998.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Ronald A. Clayton
SIGNATURE	
DATE	January 27, 2004

03190.000100.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)	
	:	Examiner: N/Y/A
)	
EDDIE F. RAY, III, ET AL.	:	
)	Group Art Unit: N/Y/A
Appln No.: Not Yet Assigned	:	
)	
Filed: Herewith	:	
)	
For: BONE GRAFTS	:	January 27, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER ACCOMPANYING APPLICATION

Sir:

Pursuant to the practice under 37 C.F.R. § 1.53 and M.P.E.P. § 601.01,
enclosed herewith for filing are the following papers constituting a non-provisional patent
application of Eddie F. Ray, III, et al. for Bone Grafts.

1. Copy of the specification, claims and abstract.
2. A copy of the patent drawings.
3. A check in the amount of \$3,998.00 computed as follows:

Basic Filing Fee \$ 770.00

USPTO Mailing number EL 566242519 05
Date of Deposit JANUARY 27, 2004
I hereby certify that this paper or fee is being deposited
with the United States Postal Service "Express Mail"
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
FRANCISCO MERCADO
(Typed or printed name of person mailing paper or fee)
Francisco Mercado
(Signature of person mailing paper or fee)

Independent claims in excess of the number of

independent claims in the original patent

(17 X \$86)..... \$1,642.00

Claims in excess of twenty and also in excess of

the number of claims in the original patent

(82 x \$18)..... \$1,476.00

Multiple Dependent claims... \$ 290.00

Total: \$3,998.00

4. Application Data Sheet identifying the inventors.

This application is filed on behalf of the inventors.

Claims 1 to 66 are presented for examination. Support for the claims is found throughout the specification and drawings.

Pursuant to 37 C.F.R. §1.607(c), this will serve as notice that Claims 1 to 66 variously correspond exactly or substantially to Claims 1 to 10, 13, 16, 17, 20, 22, and 23 to 25 of U.S. Patent No. 6,511,509 B1, issued January 28, 2003 to Ford, et al.

The undersigned attorney has been authorized to file the subject application on behalf of the inventors and the assignee.

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 C.F.R. § 1.16 or § 1.17, and to credit any overpayment, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Ronald A. Clayton
Attorney for Applicants

Registration No. 26,718

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30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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